

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 Newton Dorsett,

4 Plaintiff

5 v.

6 Brian Mogensen,

7 Defendant

Case No. 2:21-cv-00985-CDS-NJK

## Order Discharging Order to Show Cause

9 After this action sat idle for almost one year, I ordered plaintiff Newton Dorsett to show  
10 cause why this action should not be dismissed for failure to prosecute and for failure to comply  
11 with court orders and applicable rules. Order, ECF No. 45. Dorsett timely responded. ECF No.  
12 46. In his response, Dorsett avers that there are several reasons for the failure to appropriately  
13 prosecute this matter, including counsel's health and inability to handle the firm's workload, in  
14 addition to defendant Brian Morgensen's unresponsiveness. *Id.*

15 Based on these representations, the court discharges its order to show cause and orders  
16 the parties to meet and confer, and to file a joint proposed pretrial order and scheduling plan, **on**  
17 **or before May 17, 2024**. Morgensen is cautioned that failure to respond may result in sanctions  
18 for failure to comply with Local Rule 16-3(b).

19 If Morgensen continues to be unresponsive, Dorsett may instead submit a status report  
20 detailing his attempts to contact Morgensen. This report is also due **on or before May 17, 2024**.

21 Failure to comply with this order by May 17 will constitute grounds for imposing  
22 appropriate sanctions, including dismissal of this action without further notice.

23 Dated: May 1, 2024

24   
25 Cristina D. Silva  
26 United States District Judge